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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,677	04/14/2004	Dai Sato	251854US6	4881
22850	7590	12/14/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RICE, ELISA M	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/823,677

Applicant(s)

SATO, DAI

Examiner

Elisa M. Rice

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 103(e) as being anticipated by Nakamura et al. (US 2002/0181738 A1).

Regarding claims 1 and 13, Nakamura discloses an image processing apparatus in which an input image information data which is an image information data contained in an input image signal is synthesized with an synthesizing image information data which is an image information data different from the input image information data, the image processing apparatus comprising:

synthesizing image information data holding means for holding a plurality of the synthesizing image information data (Fig. 9, num. 1604);

synthesis control means for controlling synthesis of the input image information data and the plurality of the input synthesizing image information data which are held in the synthesizing image information data holding means, for every arbitrary area of the input image corresponding to the input image information data (Fig. 9, num. 1603);

and image information data synthesis means for synthesizing the input image information data and the synthesizing image information data according to the control by means of the synthesis control means (Fig. 9, num 1605).

Regarding claims 2 and 14, Nakamura discloses the image processing apparatus as recited in claim 1, wherein: the synthesizing image holding means holds the synthesizing image information data as a data on a pixel-by-pixel basis (Nakamura, Fig. 9, num. 1604; Fig. 10, num. 1703)

Regarding claims 3 and 15, Nakamura discloses the image processing apparatus as recited in claim 1, wherein: the synthesizing image holding means holds information data obtained by arranging the synthesizing image information data in a table (Nakamura, paragraph 47; Fig. 7).

Regarding claims 4 and 16, Nakamura discloses the image processing apparatus as recited in claim 1, wherein: the synthesis control means includes control information data holding means for holding control information data about control of synthesis of the synthesizing image information data and the input image information data, so as to control the synthesis of the synthesizing image information data and the input image information data according to the control information data held in the control information data holding means (Nakamura, paragraph 57).

Regarding claims 5 and 17, Nakamura discloses the image processing apparatus as recited in claim 4, wherein: the control information data is an information data for specifying, in the arbitrary area, the synthesizing image information data corresponding to a synthesizing image to be superimposed on the input image by selecting it from the plurality of synthesizing image information data held in the synthesizing image information data holding means, based on the control information data (Nakamura, paragraph 46; Fig. 6), the synthesis control means determines whether or not each of the plurality of synthesizing image information data held in the synthesizing image information data holding means is synthesized with the input image information data ("uses a combination of the patterns to represent desired information", Nakamura, paragraph 46), such that the synthesizing image information data which has been determined to be synthesized is controlled to be synthesized with the input image information data, and based on the control by means of the synthesis control means, the image information data synthesis means synthesizes the input image information

data and the synthesizing image information data so as to superimpose the input image on the synthesizing image in the arbitrary area (Fig. 9, num 1605).

Regarding claims 6 and 18, Nakamura discloses the image processing apparatus as recited in claim 4, wherein: the control information data is an information data for specifying the synthesizing ratio of each image information data in the arbitrary area, when mixing the input image with the synthesizing image corresponding to the plurality of synthesizing image information data held in the synthesizing image information data holding means, based on the control information data ("intensity of embedding the digital watermark pattern (synthesizing ratio) in the edge and flat parts of the original picture 2601 (in the arbitrary area) is adjusted by the digital-watermark-pattern embedding unit 2607." Nakamura, paragraph 180), the synthesis control means controls the plurality of synthesizing image information data held at the synthesizing image information data holding means so as to be synthesized with the input image information data at the specified synthesizing ratio, and based on the control by means of the synthesis control means, the image information data synthesis means synthesizes the input image information data and the synthesizing image information data so as to mix the input image and the synthesizing image at the specified synthesizing ratio in the arbitrary area (Nakamura, paragraph 180; Fig 26).

Regarding claims 7 and 19, Nakamura discloses the image processing apparatus as recited in claim 4, wherein: the synthesis control means further includes, in the arbitrary

area, graphics determination means for determining whether or not graphics exist in the synthesizing image corresponding to the synthesizing image information data synthesized with the input image information data (Nakamura, Fig. 28, num. 2807), and when it is determined that there are not graphics by way of the determination through the graphics determination means, the synthesis control means controls the synthesizing image information data so as not to be synthesized with the input image information data (Nakamura, paragraph 192-when the data-hiding steganographic watermark is not present, no action need be taken with respect to applying the synthesizing image information data to the input image information data).

Regarding claims 8 and 20, Nakamura discloses the image processing apparatus as recited in claim 4, wherein: an amount of data of the control information data is smaller than an amount of data of the synthesizing image information data held in the synthesizing image information data holding means (Nakamura, paragraph 7).

Regarding claims 9 and 21, Nakamura discloses image processing apparatus as recited in claim 4, wherein: the control information data is information data on a pixel-by-pixel basis (paragraph 56; Fig. 10, num. 1702; Fig. 9, num. 1603).

Regarding claims 10 and 22, Nakamura discloses the image processing apparatus as recited in claim 4, wherein: the control information data is an information data obtained

by arranging transition points where control changes, in a table (Nakamura, Fig. 17; paragraph 129, 130, 131).

Regarding claims 11 and 23, Nakamura discloses the image processing apparatus as recited in claim 1, further including: address information data generation means for generating the address information data which indicates a location in a screen for the input image, wherein based on the address information data generated by the address information data generation means, the synthesis control means controls the synthesis of the input image information data and the plurality of synthesizing image information data held in the synthesizing image information data holding means such that synthesis locations of the synthesizing image information data and the input image information data may be positioned properly (Nakamura, "a.sub.0., j-2", Fig. 7; b.sub.0., Fig. 8).

Regarding claims 12 and 24, Nakamura discloses the image processing apparatus as recited in claim 11, further including: synchronizing signal separation means for separating a synchronizing signal added to the input image information data, wherein the address information data generation means generates the address information data, based on the synchronizing signal separated from the input image information data by the synchronizing signal separation means (Nakamura, Fig. 7 - this information is gleaned from the input image by extraction of embedded information in the input image information data (i.e. original picture)).

Regarding claim 25, Nakamura discloses the imaging apparatus including: an imaging means for imaging a photographic subject and capturing an taken image information data which is an acquired image information data (Nakamura, Fig. 30, num. 2071; paragraph 172; Fig. 26, num. 2601); an synthesizing image information data holding means for holding a plurality of synthesizing image information data which are synthesized with the taken image information data captured by the imaging means (Nakamura, Fig. 26, num. 2603); a synthesis control means for controlling synthesis of the taken image information data and the plurality of synthesizing image information data which are held in the synthesizing image information data holding means, for every arbitrary area of the taken image corresponding to the taken image information data (Nakamura, Fig. 26, num. 2604); and an image information data synthesis means for synthesizing the taken image information data and the synthesizing image information data according to control by means of the synthesis control means (Nakamura, Fig. 26, num. 2607).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1582. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elisa Rice 12/10/2007 ER
Patent Examiner
2624

EMR



BRIAN WERNER
SUPERVISORY PATENT EXAMINER